

IC 20-30-9**Chapter 9. Bilingual and Bicultural Instruction****IC 20-30-9-1****"Bilingual-bicultural instruction"**

Sec. 1. As used in this chapter, "bilingual-bicultural instruction" means the use of written and spoken English and a non-English language to teach students. It includes instruction in the history and culture of both the United States and the homeland of the non-English language.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-2**"Bilingual-bicultural program"**

Sec. 2. As used in this chapter, "bilingual-bicultural program" means a course of bilingual-bicultural instruction for non-English dominant students, designed to meet the students' language skill needs as soon as possible.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-3**"Division"**

Sec. 3. As used in this chapter, "division" means the division of migrant bilingual-bicultural education of the department.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-4**"Non-English dominant students"**

Sec. 4. As used in this chapter, "non-English dominant students" means students who have difficulty performing in classes conducted solely in English because:

- (1) the students' native tongue is not English;
- (2) the language most often spoken by the students is not English; or
- (3) the language most often spoken in the students' homes is not English.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-5**Policy of state**

Sec. 5. It is the policy of the state to provide bilingual-bicultural programs for all qualified students enrolled in Indiana public schools through the establishment of the programs by school corporations. The state recognizes the need for and the desirability of the programs to:

- (1) aid students to reach their full academic level of achievement; and
- (2) preserve an awareness of cultural and linguistic heritage.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-6**Bilingual-bicultural program**

Sec. 6. The state superintendent shall carry out a bilingual-bicultural program for the improvement of educational opportunities for non-English dominant students by doing the following:

- (1) Supporting and planning pilot and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for non-English dominant students.
- (2) Assisting in the establishment and operation of programs that are designed to stimulate:
 - (A) the provision of educational services not available to non-English dominant students in sufficient quantity or quality; and
 - (B) the development and establishment of exemplary programs to serve as models for regular school programs in which non-English dominant students are educated.
- (3) Assisting in the establishment and operation of pre-service and in-service training programs for persons serving non-English dominant students as educational personnel.
- (4) Encouraging the dissemination of information and materials relating to and the evaluation of the effectiveness of education programs that may offer educational opportunities to non-English dominant students. For activities described in this section, preference shall be given to the training of non-English dominant students, including innovative programs related to the educational needs of the non-English dominant students.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-7**Development and establishment of bilingual-bicultural educational services and programs**

Sec. 7. The state superintendent may assist and stimulate school corporations in developing and establishing bilingual-bicultural educational services and programs specifically designed to improve educational opportunities for non-English dominant students. Funds may be used for the following:

- (1) To provide educational services not available to the non-English dominant students in sufficient quantity or quality, including:
 - (A) remedial and compensatory instruction, psychological, and other services designed to assist and encourage non-English dominant students to enter, remain in, or reenter elementary or secondary school;
 - (B) comprehensive academic and vocational instruction;
 - (C) instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;
 - (D) comprehensive guidance, counseling, and testing

- services;
 - (E) special education programs for persons with disabilities;
 - (F) preschool programs; and
 - (G) other services that meet the purposes of this subdivision.
- (2) For the establishment and operation of exemplary and innovative educational programs and resource centers that involve new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for non-English dominant students.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-8

Placement of children in programs

Sec. 8. (a) Students whose dominant language is English shall be allowed to participate in the bilingual-bicultural program unless their participation will hinder the progress of the non-English dominant students.

(b) Students enrolled in a program of bilingual-bicultural education shall, if graded classes are used, be placed, to the extent practicable, in classes with students of approximately the same age and level of educational attainment, as determined after considering the attainment through the use of all necessary languages.

(c) If students of significantly varying ages or levels of educational attainment are placed in the same class, the program of bilingual-bicultural education must seek to ensure that each student is provided with instruction appropriate for the student's level of educational attainment. The ultimate objective is to place the bilingual-bicultural student in the regular course of study.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-9

Notice of placement

Sec. 9. (a) Before placing a student in a bilingual-bicultural program, the governing body of the school corporation in which the student resides shall notify the student's parent of the placement.

(b) The notice required in subsection (a) must be in English and the appropriate non-English language. The notice must state the purposes, methods, and content of the program and must inform the parent of the parent's right to:

- (1) visit the program; and
- (2) if the student is less than eighteen (18) years old, refuse the student's placement or withdraw the student from the program.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-10

Local and corporation advisory committees

Sec. 10. (a) Before June 1 of each year, the principal of each school operating a bilingual-bicultural program shall appoint a local advisory committee composed of:

- (1) teachers of bilingual-bicultural instruction who are

proficient in both English and a non-English language and certified to teach a subject, including the history and culture of both the United States and the homeland of the non-English language;

(2) counselors;

(3) community members; and

(4) parents of students enrolled or eligible for enrollment in the bilingual-bicultural program.

A majority of the committee members must be parents of students enrolled or eligible for enrollment in the bilingual-bicultural program.

(b) Before July 1 of each year, the governing body of each school corporation operating a bilingual-bicultural program shall select at least one (1) representative from each local advisory committee to serve on a corporation advisory committee. A majority of the committee members must be parents of students enrolled or eligible for enrollment in the program.

(c) A member of a local and corporation advisory committee holds the position for one (1) year.

(d) The local and corporation advisory committees shall participate in planning, implementing, and evaluating the bilingual-bicultural programs. All bilingual-bicultural programs must be approved by the appropriate local advisory committee before implementation. If the advisory committee refuses to approve a program, the division shall arbitrate the dispute.

(e) All school corporations wishing to implement a bilingual-bicultural program shall apply to the state superintendent.

(f) All bilingual-bicultural programs must be approved by the state board to qualify for the distribution of state funds to school corporations for the bilingual-bicultural programs.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-11

Summer and preschool bilingual-bicultural courses

Sec. 11. School corporations may establish full-time or part-time summer or preschool bilingual-bicultural courses. However, the courses are not substitutes for bilingual-bicultural programs required during the normal school year.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-12

Duties of division

Sec. 12. The division:

(1) shall aid school corporations in developing bilingual-bicultural programs by:

(A) evaluating instructional materials;

(B) compiling material on the theory and practice of bilingual-bicultural instruction;

(C) encouraging innovative programs; and

(D) otherwise providing technical assistance to the

corporations;

(2) shall aid school corporations in developing and administering in-service training programs for school administrators and personnel involved in bilingual-bicultural programs;

(3) shall monitor and evaluate bilingual-bicultural programs conducted by school corporations;

(4) shall make an annual report on the status of the bilingual-bicultural programs to the governor and the general assembly;

(5) shall establish bilingual-bicultural educational resource centers for the use of the school corporations; and

(6) may establish guidelines to implement this chapter.

A report made under subdivision (4) to the general assembly must be in an electronic format under IC 5-14-6.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-13

Application by school corporation for funds; determination by division; criteria

Sec. 13. (a) Each school corporation must apply to the division to receive funds under this chapter. The division director shall determine on a competitive basis which bilingual-bicultural programs are to receive the funds under this chapter. The criteria for determining the distribution of funds are as follows:

(1) The extent to which the educational needs identified and addressed in the application for funds are for bilingual-bicultural programs in areas having the greatest need in Indiana.

(2) The extent to which educational needs are clearly identified and realistic objectives are carefully planned to meet the objectives.

(3) The extent to which the application sets forth quantifiable measurement of the success of the proposed bilingual-bicultural program in providing students who do not speak English as a dominant language with language skills necessary for the students' education.

(4) The extent to which the application contains evidence that:

(A) the costs of bilingual-bicultural program components are reasonable in relation to the expected benefits;

(B) the proposed bilingual-bicultural program will be coordinated with existing efforts; and

(C) all possible efforts are being made to minimize the amount of funds requested for purchase of equipment necessary for implementation of the proposed bilingual-bicultural program.

(5) The extent to which the application indicates that the personnel to be employed in the bilingual-bicultural program possess qualifications relevant to the objectives of the bilingual-bicultural program.

(b) The division director may not award more than three hundred dollars (\$300) per student under this chapter.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-14

Length of funding

Sec. 14. The bilingual-bicultural program of a school corporation may be funded for a minimum of five (5) years under this chapter.

As added by P.L.1-2005, SEC.14.